

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Isaac Forman	Team: Squad #15	CCRB Case #: 201801651	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 02/27/2018 2:11 PM	Location of Incident: Outside of 390 Wadsworth Avenue	Precinct: 34	18 Mo. SOL 8/27/2019	EO SOL 8/27/2019	
Date/Time CV Reported Wed, 02/28/2018 11:13 AM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Wed, 02/28/2018 11:13 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Pablo Valentin	00224	931357	034 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Kerrie Norling	31775	953179	034 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Pablo Valentin	Off. Language: Police Officer Pablo Valentin made remarks to § 87(2)(b) based upon his nationality.	
B.POM Pablo Valentin	Force: Police Officer Pablo Valentin hit § 87(2)(b) against a police vehicle.	
C.POM Pablo Valentin	Abuse: Police Officer Pablo Valentin searched the vehicle in which § 87(2)(b) was an occupant.	
D.POM Pablo Valentin	Abuse: Police Officer Pablo Valentin searched § 87(2)(b)'s recording device.	

Case Summary

On February 28, 2018, § 87(2)(b) filed this complaint in-person at the CCRB.

On February 27, 2018, at approximately 3:11pm, PO Pablo Valentin and PO Kerrie Norling of the 34th Precinct observed § 87(2)(b) writing on a car window and approached him. After a brief discussion, PO Valentin allegedly stated, “I’m tired of this Dominican” (**Allegation A: Offensive Language-** § 87(2)(g)). PO Valentin put § 87(2)(b) in handcuffs and placed him into the rear of the police vehicle. While doing so, PO Valentin allegedly hit § 87(2)(b)’s head on the police vehicle (**Allegation B: Force-** § 87(2)(g)). PO Valentin then entered § 87(2)(b)’s vehicle to obtain § 87(2)(b)’s cellphone (**Allegation C: Abuse of Authority-** § 87(2)(g)). PO Valentin then placed a call to § 87(2)(b)’s friend, who owned the vehicle § 87(2)(b) was writing on, using § 87(2)(b)’s phone (**Allegation D: Abuse of Authority-** § 87(2)(g)).

Video footage was obtained from Jose Dry Cleaners, which is located at 1649 St. Nicholas Avenue in Manhattan.

Findings and Recommendations

Allegation (A) Offensive Language: Police Officer Pablo Valentin made remarks to § 87(2)(b) based upon his nationality.

§ 87(2)(b) alleged that PO Valentin made a remark to him based on § 87(2)(b)’s nationality.

§ 87(2)(b) testified that, while waiting for his girlfriend to retrieve food from a restaurant, he exited his double-parked vehicle and wrote, “I am gay,” in marker on a friend’s car as a joke. As he was doing so, PO Valentin and PO Norling approached him. PO Valentin asked what he was doing and § 87(2)(b) replied that it was a joke on a friend. PO Valentin then stated “I’m tired of this Dominican.” (BR 01)

PO Valentin testified that after he observed § 87(2)(b) write on a vehicle window in marker, he and PO Norling approached and he asked § 87(2)(b) what he was doing. § 87(2)(b) replied that he was playing a joke on his friend and asked PO Valentin what he should write next. PO Valentin then placed § 87(2)(b) in handcuffs. PO Valentin denied stating “I’m tired of this Dominican.” He denied referring to § 87(2)(b) as Dominican at any point (BR 02).

PO Norling testified that much of the PO Valentin’s interaction with § 87(2)(b) occurred in Spanish, which she does not speak. Thus, she could not understand what was being said. PO Norling denied hearing PO Valentin state, “I’m tired of this Dominican.” She denied hearing PO Valentin refer to § 87(2)(b) as Dominican at any point during this incident (BR 03).

§ 87(2)(g)
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Allegation (B) Force: Police Officer Pablo Valentin hit § 87(2)(b) against a police vehicle.

§ 87(2)(b) alleged that as he was being placed into the police vehicle, PO Valentin hit § 87(2)(b)'s head against the door frame of the vehicle.

§ 87(2)(b) testified that after being placed in handcuffs, PO Valentin led him to the police vehicle. As PO Valentin was placing § 87(2)(b) into the rear seat of the vehicle, PO Valentin had his hand on the back of § 87(2)(b)'s head. § 87(2)(b)'s head—specifically the area above his right eye—then hit the top of the door frame of the vehicle. § 87(2)(b) did not seek any medical attention. At the time of his interview, which was the day after this incident, there were no visible injuries on § 87(2)(b) (BR 01).



2018-04-11_13-13-56.mp4

The video footage depicts § 87(2)(b) as he is placed into the police vehicle. However, because the video is shot from some distance away, and because the footage itself is slightly grainy, it is not clear whether or not § 87(2)(b)'s head makes contact with the top of the vehicle as he gets in (BR 04).

PO Valentin testified that after he handcuffed § 87(2)(b) he walked § 87(2)(b) towards the police vehicle and placed § 87(2)(b) in the rear of the vehicle. PO Valentin denied hitting § 87(2)(b)'s head on the vehicle and denied that he ever observed § 87(2)(b)'s head to make contact with the vehicle. He did not observe any injuries on § 87(2)(b) and never heard § 87(2)(b) complain of any injuries (BR 02).

PO Norling testified that she assisted in walking § 87(2)(b) to the police vehicle. She testified that PO Valentin did not hit § 87(2)(b)'s head against the vehicle and denied observing § 87(2)(b)'s head make any contact with the vehicle. She did not observe any injuries on § 87(2)(b) and never heard him complain of any injuries (BR 03).

§ 87(2)(g)

Allegation (C) Abuse of Authority: Police Officer Pablo Valentin searched the vehicle in which § 87(2)(b) was an occupant.

Allegation (D) Abuse of Authority: Police Officer Pablo Valentin searched § 87(2)(b)'s recording device.

It is undisputed that PO Valentin entered § 87(2)(b)'s vehicle and retrieved § 87(2)(b)'s cellphone. It is also undisputed that PO Valentin then placed a call on § 87(2)(b)'s phone. It is disputed whether consent was provided for these actions.

§ 87(2)(b) testified that PO Valentin asked § 87(2)(b) how he could get in touch with the owner of the vehicle, § 87(2)(b)'s friend. § 87(2)(b) told PO Valentin that his phone was inside his vehicle but did not say specifically where it was. PO Valentin then walked away

towards § 87(2)(b)'s vehicle. § 87(2)(b) testified that neither officer asked him if they could retrieve his phone from his vehicle. § 87(2)(b) never stated that PO Valentin could or could not retrieve the phone from his vehicle. § 87(2)(b) could not see where in his vehicle PO Valentin went, however knew he had entered his vehicle because, two to three minutes later, he returned with § 87(2)(b)'s phone. PO Valentin asked § 87(2)(b) for his friend's name and § 87(2)(b) told him § 87(2)(b) which was his friend's nickname. PO Valentin then called § 87(2)(b) on § 87(2)(b)'s phone. § 87(2)(b) testified that there is no passcode needed to get into his phone. § 87(2)(b) testified that PO Valentin had not asked for permission, nor had § 87(2)(b) granted him permission, to call Rabbit (BR 01).

PO Valentin testified that, after leading § 87(2)(b) to the police vehicle, he informed § 87(2)(b) that he could be arrested for writing on someone else's vehicle and that they needed to get in touch with § 87(2)(b)'s friend in order to verify § 87(2)(b)'s story. PO Valentin asked § 87(2)(b) if he had contact information for his friend and § 87(2)(b) stated he did but that it was on his phone. PO Valentin asked where his phone was and § 87(2)(b) stated that it was on the driver's side of his vehicle. PO Valentin testified that § 87(2)(b) told him he could call his friend. PO Valentin further testified that he never explicitly asked § 87(2)(b) if he could retrieve the phone from § 87(2)(b)'s car, but that it was understood by both parties that that was what was going to happen and that § 87(2)(b) had given permission for that. When asked if that permission was given explicitly or implicitly, PO Valentin testified that he could not recall the exact words that were exchanged and thus couldn't recall if § 87(2)(b) explicitly stated that PO Valentin could retrieve the phone. PO Valentin retrieved the phone from the driver's area of § 87(2)(b)'s vehicle, he could not recall precisely where he retrieved the phone from. PO Valentin returned to the police vehicle with the phone and § 87(2)(b) told PO Valentin the friend's name. PO Valentin then placed a call to the friend on § 87(2)(b)'s phone. PO Valentin testified that § 87(2)(b) gave him permission to call the friend on his phone, however testified that he could not recall if that permission was explicit or implicit. PO Valentin reiterated that he could not recall the exact words that were exchanged between § 87(2)(b) and himself. PO Valentin could not recall § 87(2)(b) ever stating that he either did or did not want PO Valentin to use § 87(2)(b)'s phone to call his friend (BR 02).

PO Norling testified that almost all of the discussion between PO Valentin and § 87(2)(b) occurred in Spanish, which she could not understand. PO Norling's understanding was that § 87(2)(b) had told PO Valentin where his phone was located, being in his car, and that § 87(2)(b) had consented in PO Valentin retrieving the phone and calling § 87(2)(b)'s friend. She did not hear § 87(2)(b) state this explicitly, nor did PO Valentin inform her that he had. She understood this to be the case based on § 87(2)(b) having told PO Valentin where the phone was and because § 87(2)(b) did not protest at any point and in fact complied. PO Norling heard § 87(2)(b) provide his friend's name to PO Valentin (BR 03).

§ 87(2)(g)

§ 87(2)(g)

Civilian and Officer CCRB Histories

- _____

Mediation, Civil and Criminal Histories

- § 87(2)(b), § 87(2)(c)

Squad No.: 15

Investigator: _____

Signature	Print Title & Name	Date
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Squad Leader: _____

Signature	Print Title & Name	Date
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Reviewer: _____

Signature _____ Print Title & Name _____ Date _____